IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION No. 17480 of 2004

Between:

Sri Venkateswara Vidyaniketan, recognised by Government of Andhra Pradesh, Penumur, Chittoor District, rep. by its Correspondent,

A.Kesava Chowdary

..... PETITIONER

AND

1 The Director-cum-Commissioner for School Education, Saifabad,

Hyderabad.
2 The Regional Joint Director, Department of Secondary Education,
Opp. to R & B Banglow, RTC Road, Cuddapah, Cuddapah District.
3 The District Educational Officer, Chittoor, Chittoor District.
4 The Deputy Educational Officer, Puttur, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ order or direction more particularly one in the nature of Writ of Mandamus, declare the inaction on the part of the respondents in considering the representations submitted by the petitioner dated 27-4-2003, 27-11-2003, 19-7-2004, 23-07-2004, 5-8-2004,
12-08-2004 and 7-9-2004 for grant of permission to start 9th and 10th classes for the academic year 2004-2005 of Petitioner's school i.e.,S.V.Vidyanikethan, Penumur, Chittoor District amounts to erroneous, arbitrary and violative of Articles 14,19 and 21 of the Constitution of India, and consequently direct the respondents to grant permission to the petitioner to start 9th & 10th Classes for the academic year 2004-

2005 of Petitioner's School i.e., S.V.Vidyanikethan, Penumur, Chittoor District.
Counsel for the Petitioner : Mr.T.C.KRISHNAN
Counsel for the Respondent : G.P. FOR SCHOOL EDUCATION

The Court made the following :

ORDER:

Assailing the action of the respondents in not considering the request of the petitioner for grant of permission to start 9th and 10th classes for the academic year 2004-2005 to petitioner school, the present writ petition is filed.

Admittedly, the petitioner school was accorded permission to start 8th class for the academic year 2003-2004 and applied for recognition on 15.11.2003, but so far the same has not been granted. Petitioner submitted proposals for grant of permission to start 9th and 10th classes from the academic year 2004-2005 on 27.11.2003 and the same has not been considered. Petitioner stated to have been made further representations dated 27.4.2003, 27.11.2003, 19.7.2004, 23.7.2004, 5.8.2004, 12.8.2004 and 7.9.2004 for grant of permission to start 9th and 10th classes from the academic year 2004-2005 and as there was no response, the present writ petition is filed seeking a direction to the respondents to consider the representations purported to have been made by the petitioner.

Rule 8 of the A.P. Educational Institutions (Establishment, Recognition, Administration and Control of Schools under Private Management) Rules 1993 (for short 'Rules') issued in G.O.Ms.No.1, Education (PS-2) Department dated 1.1.1994 envisages grant of permission. Sub-rule (2) thereof provides permission for schools other than secondary schools shall be valid for all the classes. In respect of secondary schools, however, the permission granted shall be only upto 8th class. The educational agency shall be permitted to open 9th and 10th classes only after obtaining due recognition and only from second and third year respectively after the commencement of 8th class.

Admittedly, petitioner school was permitted to start 8th class from the academic year

2003-2004 and from second and third year thereafter only, they can be permitted to commence 9th and 10th classes namely from the academic year 2005-2006 and 2006-2007 respectively. Since the case of the petitioner school does not fall under sub-rule (2) of rule 8 of the Rules, no mandamus, as such, can be issued in the present writ petition.

The writ petition is accordingly dismissed. No costs.

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A.GOPAL REDDY, J

Date: 29.9.2004

DA

To

1 The Director-cum-Commissioner for School Education, Saifabad,

Hyderabad.
2 The Regional Joint Director, Department of Secondary Education,
Opp. to R & B Banglow, RTC Road, Cuddapah, Cuddapah District
3 The District Educational Officer, Chittoor, Chittoor District
4 The Deputy Educational Officer, Puttur, Chittoor District

5 Two CCs to the G.P. for Education, High Court Buildings, Hyderabad.

6 Two CD copies.